

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

**LIBERTY MUTUAL INSURANCE
COMPANY,**

Plaintiff,

v.

VILA CONSTRUCTION COMPANY, et al.,

Defendants.

Case No. 19-cv-07306-PJH

ORDER EXTENDING DISCOVERY DEADLINE, GRANTING MOTIONS TO COMPEL DISCOVERY, AND SETTING A FURTHER CMC

Re: Dkt. Nos. 73, 74

On March 5, 2021, plaintiff Liberty Mutual Insurance Company (“plaintiff”) filed two discovery motions. In its first motion, plaintiff asks the court for an order deeming admitted its requests for admissions propounded on defendants Vila Construction Company, Vila Leasing, Richard H. Vila (individually and as trustee of the RMV Family Trust), and Maria Elena Vila (individually and as trustee of the RMV Trust). Dkt. 73 at 13-14. Plaintiff also seeks an order compelling these defendants to respond to its requests for production of documents and requests for interrogatory responses. Id. at 14-15.

In its second motion, plaintiff asks the court for an order compelling the above defendants as well as defendants Elaine Olson, George Vila, Joseph Vila, Robert Vila, and Cherolynn Vila (collectively, “defendants”) to sit for their depositions. Dkt. 74 at 13-15. With respect to certain defendants, plaintiff also asks the court to compel their production of documents as called for in their noticed depositions. Id. at 10-12, 14.

On March 19, 2021, defendants jointly filed a two- and three-page response to both motions. Dkt. 76; Dkt. 77. Defendants do not contest the merits of either motion. Instead, they agree to produce the subject written discovery, Dkt. 77, and sit for their depositions at a mutually agreeable time, Dkt. 76.

Given defendants' non-opposition to plaintiff's motions, the court grants plaintiff's motions to compel and orders the following:

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- The court extends the discovery deadline to **Thursday, April 22, 2021**.
- By April 22, 2021, defendants must produce all documents called for in any request for production of documents, provide verified written responses to all requests for interrogatory responses, and provide verified written responses to all requests for admissions.
- By April 22, 2021, each defendant must have sat for his or her deposition. To the extent any notice of deposition also calls for documents, the deponent must produce the subject documents **at least three days** prior to his or her deposition. This latter condition applies regardless of whether deposition notice calls for the same documents requested in a formally propounded request for production of documents.
- In the event any defendant fails to comply with any aspect of this order, the court will impose evidentiary sanctions, enter default, or deem admitted any outstanding request for admission.
- The court sets a further case management conference for **Thursday, April 29, 2021 at 1:00 pm** via Zoom to determine how to resolve the remaining claims in this action.

Lastly, the court notes that trial in this action is set for June 7, 2021. The court further observes that the parties have consented to a bench trial, the remaining claims are equitable in nature, and, if trial goes forward on the scheduled date, it must occur virtually. The court orders the parties to consider these circumstances and meet and confer by **Wednesday, April 28, 2021** to determine whether the June 7, 2021 virtual bench trial remains feasible. The parties must be prepared to advise the court about such feasibility at the further CMC.

IT IS SO ORDERED.

Dated: March 23, 2021

/s/ Phyllis J. Hamilton

PHYLLIS J. HAMILTON
United States District Judge